

## Exhibit "A"

February 2, 2003

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2004

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of January 16 through January 31, 2003. This report will describe the claims and the dispositions or status of these claims.

### **ALLOWED/SETTLED CLAIMS:**

**Farmers Insurance Group** filed a subrogation claim during the month of June, 2003, for expenses paid on behalf of its insured, Linda Voss, as the result of a motor vehicle accident involving a StarTran bus. This claim has been reviewed by this office and has been **allowed** in the amount of \$2,913.16.

**Sharon Siefken/Farmers Mutual of Nebraska** filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to her vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,648.87.

**Irmgard Hummel** filed a claim during the month of December, 2003, in the amount of \$1,044.52 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$927.03.

**John Jones** filed a claim during the month of January, 2004, in the amount of \$2,741.87 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,500.00.

**Robert E. Perkins** filed a claim during the month of January, 2004, in the amount of \$16,747.53 for damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$15,600.00.

**Marjorie Ames** filed a claim during the month of January, 2004, in the amount of \$295.73 for damage incurred to her vehicle when it was struck by a Parks Department vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$295.73.

**Danny Lee / Sheryl Golden / Cyndee Golden** filed a claim during the month of January, 2004, in the amount of \$810.49 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$810.49.

**Cliff Schroff** filed a claim during the month of January, 2004, in the amount of \$34.61 for damage incurred to his vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$34.61.

**Beth Loyd** filed a claim during the month of January, 2004, in the amount of \$383.62 for damage incurred to her vehicle when it was struck by a City of Lincoln vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$383.62.

#### **DENIED CLAIMS:**

**American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of its insured's employee who was injured when she fell on a sidewalk. This claim has been reviewed by this office and has been **denied**.

**Vernah C. Petersen** filed a claim during the month of November, 2003, in the amount of \$253.00 for hospital expense incurred as the result of a trip and fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

**Kevin Burklund** filed a claim during the month of January, 2004, in the amount of \$728.21 for damage incurred to his vehicle which he alleges was struck by a snow plow. This claim was referred to the City's contractor, General Excavating, for processing, and therefore the claim against the City of Lincoln has been **denied**.

**Jeremy and Kim Vice** filed a claim during the month of January, 2004, in the amount of \$250.00 for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**American Family Insurance Group (Dana Tomason, Insured)** filed a subrogation claim during the month of January, 2004, in the amount of \$2,086.53 for damage incurred to insured's vehicle allegedly as the result of striking a manhole at a street construction project. This claim has been reviewed by this office and has been **denied**.

**Nick Brand** filed a claim during the month of January, 2004, in an unspecified amount for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

#### **PENDING CLAIMS:**

**County of Lancaster** filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **pending**.

**Norm and Janet Pavlish and Melissa Pavlish** filed a claim during the month of January, 2003, in an unspecified amount for alleged damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

**Inspro Insurance filed a claim on behalf of Darrin Brittenham** during the month of February, 2003, in the amount of \$1,900.98 for damage incurred to vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

**Carl Campbell, President of Campbell Properties Corporation** filed a claim during the month of April, 2003, in the amount of \$306,500 alleging that the City failed to remove obstructions consisting of trees, limbs, debris, and rubbish in the watercourse running through Beal Slough allegedly causing water flowing through Beal Slough to erode the property of the claimant. This claim is under review and is **pending**.

**Kory and Diana Lind/Lind Lawn Service and Farm Bureau Insurance Company** filed a claim during the month of May, 2003, in the amount of \$915.97 for damage incurred to their vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Linda Voss** filed a claim during the month of May, 2003, for damages and injuries incurred as the result of a motor vehicle accident involving a StarTran bus. This claim is under review and is **pending**.

**Craig A. Workman** filed a claim during the month of June, 2003, in the amount of \$454.75 for damage incurred to his vehicle when it was allegedly sprayed with paint that was being used to mark manholes in the area of the 70<sup>th</sup> and "O" street construction project. This claim is under review and is **pending**.

**Williamsburg Partnership d/b/a Williamsburg Apartments** filed a claim during the month of September, 2003, in the amount of \$47,311.76 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

**Scott Stovall** filed a claim during the month of November, 2003, in the amount of \$267.00 for damage allegedly incurred to his vehicle when it was struck by a Parks & Recreation vehicle. This claim is under review and is **pending**.

**Angela Dietz** filed a claim during the month of December, 2003, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Liberty Mutual Insurance (Richard Rung/United Parcel Service , Insured)** filed a claim during the month of December, 2003, in an unspecified amount for alleged injury incurred to Richard Rung when he, while delivering a package, stepped into an 18-inch hole between the sidewalk and the street, which was allegedly covered by leaves. This claim is under review and is **pending**.

**Carol J. Portsche** filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to her mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Awards Unlimited** filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**FMA Realty / B & J Partnership / Brewsky's** filed a claim during the month of December, 2003, in the amount of \$12,399.13 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Scott Cather** filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Robb Hayes** filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to his mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Ricky Austin** filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim is under review and is **pending**.

**Charles A. Chandler** filed a claim during the month of December, 2003, in the amount of \$17.96 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**David and Donna Taylor** filed a claim during the month of December, 2003, in the amount of \$75.84 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Kent Docekal** filed a claim during the month of January, 2004, in the amount of \$572.30 for damage to vehicle and medical expenses incurred as the result of an accident involving an L.E.S. vehicle. This claim is under review and is **pending**.

**State Farm Insurance Company (Richard D. Scholl, Insured)** filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

**Betty Mumford** filed a claim during the month of January, 2004, in the amount of \$35.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Tammy Rogers** filed a claim during the month of January, 2004, in the amount of \$30.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Randall J. Kuta** filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Jill Meile** filed a claim during the month of January, 2004, in the amount of \$10.69 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Angela R. Owens** filed a claim during the month of January, 2004, in the amount of \$34.39 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Nicholas Wemhoff** filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Joseph E. Banset Jr.** filed a claim during the month of January, 2004, in the amount of \$150.00 for damage allegedly incurred to mailbox and planter as the result of snow removal activity. This claim is under review and is **pending**.

**David Hywood** filed a claim during the month of January, 2004, in the amount of \$65.99 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Kelly Kath** filed a claim during the month of January, 2004, in an unspecified amount for injury incurred when claimant fell at the 9<sup>th</sup> & "Q" parking garage. This claim is under review and is **pending**.

**Daniel Nelson** filed a claim during the month of January, 2004, in the amount of \$608.98 for reimbursement of attorney fees he incurred for his defense of citations which he claims were wrongfully issued by a Lincoln police officer. This claim is under review and is **pending**.

**Scott Romine** filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Deborah Stephen** filed a claim during the month of January, 2004, in the amount of \$100 for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

**Nancy A. Lowe** filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

**Continental Western Group (The 3 Amigos Properties LLC, Insured)** filed a subrogation claim during the month of January, 2004, in an unspecified amount for injury incurred to Robert Hummel who fell on a sidewalk next to insured's property at 620 North 48<sup>th</sup> Street in Lincoln. This claim is under review and is **pending**.

**Ben McCaslin** filed a claim during the month of January, 2004, in the amount of \$2,377.56 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Patrick and Barb Orr** filed a claim during the month of January, 2004, in the amount of \$6,759.49 for reimbursement of expenses incurred for the repair of their sewer line. Claimants allege that these expenses were incurred as the result of an incorrect alignment of the sewer line into the main sewer during storm sewer construction near their property. This claim is under review and is **pending**.

**Knickerbockers** filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to water main shutoff valve as the result of snow removal activity. This claim is under review and is **pending**.

**Kristin Meester** filed a claim during the month of January, 2004, in the amount of \$1,862.43 for damage incurred to her vehicle when it was allegedly struck by a snow plow. This claim is under review and is **pending**.

**W. Isaac Epperson** filed a claim during the month of January, 2004, in the amount of \$1,024.58 for damage incurred to his vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Katya Rosaler** filed a claim during the month of January, 2004, in the amount of \$2,946.30 for damage incurred to vehicle as the result of an accident involving a snow plow. This claim is under review and is **pending**.

**Don Handy** filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Cathy Smith** filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Matthew Strand** filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to vehicle when it was allegedly struck by a snow plow. This claim is under review and is **pending**.

**Wallace Burgeson** filed a claim during the month of January, 2004, in the amount of \$502.18 for damage incurred to his vehicle as the result of an accident involving a City of Lincoln vehicle. This claim is under review and is **pending**.

**Darwin Bietz** filed a claim during the month of January, 2004, in the amount of \$86.82 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Barb Stokke** filed a claim during the month of January, 2004, in the amount of \$8.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Paula Beckman** filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to her vehicle as the result of a motor vehicle accident involving a StarTran vehicle. This claim is under review and is **pending**.

**Jane and Norm Schuller** filed a claim during the month of January, 2004, in the amount of \$55.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**Cindy Schumacher** filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **pending**.

**Sharon Mitchell** filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **pending**.

**Jason Blair** filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **pending**.

**Robert Blankenship** filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **pending**.

**State Farm Insurance Co.** filed a subrogation claim during the month of November, 2000, regarding an accident involving a vehicle driven by their insured, Robin Baker, and a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 2, 2001. Counsel for Robin Baker filed a petition in the Lancaster County Court on June 5, 2002. Litigation is **pending**.

**Rex Miller** filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **pending**.

**Lois Lockman** filed a claim during the month of June, 2002, in the amount of \$500,000 for alleged injury incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 2, 2002. Counsel for Lois Lockman filed a petition in the Lancaster County District Court. Litigation is **pending**.

**Sue and Bill Wilson** filed a claim during the month of April, 2002, in an unspecified amount for alleged damages incurred when Sue Wilson tripped on a mat at the Ager Play Center. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Litigation was filed in the Lancaster County District Court and is **pending**.

**Patricia and James Dodson** filed a claim during the month of March, 2002, on behalf of their minor daughter, Jean Dodson, who was playing keyboard with her high school pep band at State basketball tournaments at Pershing Auditorium, when she allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim was referred to the insurer for Pershing Auditorium. Claimants withdrew their claim on January 21, 2003. A petition was filed in the Lancaster County District Court on January 30, 2003. Plaintiffs are praying for special damages in the amount of \$29,478.26 for medical expenses incurred to date, future medical expenses, temporary and permanent disability, pain and suffering to date and likely to be suffered in the future and loss of future earning capacity. Litigation is **pending**.

**Steven Shelor** filed a claim during the month of August, 2002, for alleged injury incurred when claimant was playing catch with a softball in the vicinity of a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 16, 2002. Counsel for Steven Shelor filed a petition in the Lancaster County District Court on February 3, 2003, naming the Lincoln Airport Authority and the City of Lincoln as defendants. Plaintiff is praying for special damages in the amount of \$1,270.00 and general damages. Litigation is **pending**.

**Sandra Mueller** filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

**Ella Banks Barbee** filed a claim during the month of May, 2002, in the amount of \$75,000. Claimant alleges that she was wrongfully arrested. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Counsel for claimant filed a complaint in the U.S. District Court on September 8, 2003. Litigation is **pending**.

**James Blake** filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

**Elizabeth Tufts** filed a claim during the month of October, 2002, in the amount of \$1,000,000 for damages incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County District Court on September 26, 2003. Litigation is **pending**.

**Leo M. Weiler** filed a claim during the month of July, 2003, in the amount of \$150,000. Claimant alleged that Lincoln police officers violated his rights under Neb. Rev. Stat. § 20-152 and the Americans With Disabilities Act. This claim was reviewed by this office and denial of this claim was approved the City Council on September 15, 2003. Claimant filed suit in the Lancaster County District Court on October 15, 2003. Litigation is **pending**.

**Nancy K. Carpenter** filed a claim during the month of October, 2002, in an unspecified amount for injury allegedly incurred while a passenger on a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County Court on October 23, 2003. Litigation is **pending**.

**Leonard Hernoud d/b/a Century Towing** filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages resulting from an incident wherein claimant alleges he was instructed by Lincoln police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial of the claim was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. The case was dismissed by the County Court for lack of prosecution on April 5, 2000. Counsel for claimant refiled a petition in the Lancaster County Court on March 25, 2002, captioned Leonard Hernoud II v. Officer Kocian #940. Pursuant to Defendant's motion for summary judgment, the County Court found that the Defendant in this case (Officer Kocian) is immune from being sued for damages and that the statute of limitations has run. Counsel for Plaintiff filed a notice of appeal to the District Court on July 1, 2003. On November 20, 2003, the District Court affirmed the judgment of the County Court in favor of Defendant, Officer Kocian. The case has now been appealed to the Nebraska Court of Appeals. Litigation is **pending**.



**Lawrence Tomsyck** filed a claim during the month of October, 2003, in the amount of \$4,763.77 for damage incurred to his vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 24, 2003. Counsel for claimant filed suit in the Lancaster County Court on January 28, 2004. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management